

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Dowd

# A Bill

SENATE BILL 590

## For An Act To Be Entitled

"AN ACT TO PROVIDE FOR A LOCAL OPTION ELECTION TO PERMIT  
SUNDAY SALES OF BEER AND WINE ONLY BY CERTAIN HOTELS AND  
RESTAURANTS; AND FOR OTHER PURPOSES."

## Subtitle

"TO PROVIDE FOR A LOCAL OPTION ELECTION  
TO PERMIT SUNDAY SALES OF BEER AND WINE  
ONLY BY CERTAIN HOTELS AND RESTAURANTS."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. As used in this act, unless the context otherwise  
requires:

(1) "Beer" means any fermented liquor made from malt or any  
substitute thereof and having an alcoholic content of more than one-half of  
one percent (.5%) of alcohol by weight but not in excess of five percent (5%)  
by weight;

(2) "Wine" means any light wine, port wine, sherry, vermouth or any  
other wine, the alcohol content of which is more than one-half of one percent  
(.5%) of alcohol by weight and which does not exceed fourteen percent (14%)  
alcohol by weight, regardless of whether the wine is manufactured within or  
without the state of Arkansas;

(3) "Director" means the Director of the Department of Alcoholic  
Beverage Control;

(4) "Board" means any Alcoholic Beverage Control Board of this state  
or any successor agency;

(5) "Hotel" has the same meaning as prescribed by §3-9-402(4);

(6) "Restaurant" means any public or private place, without sleeping

1 accommodations and that place:

2 (A) Is kept, used, maintained, advertised, and held out to the  
3 public or to a private or restricted membership as a place whose primary  
4 function and purpose is to take orders for and to serve food and food items;

5 (B) Actually serves full and complete meals prepared in a  
6 fully equipped and sanitary kitchen and prepared from uncooked foods for  
7 service to and consumption by its guests or members on the premises;

8 (C) Has employed a sufficient number and kind of employees to  
9 prepare, cook, and serve suitable foods to its guests or members;

10 (D) On Sundays serves alcoholic beverages on-premises only, in  
11 conjunction with meals;

12 (E) Serves food on all days of operations;

13 (F) Maintains separate sales figures for alcoholic beverages;

14 (G) Has gross sales of sixty percent (60%) or more from the  
15 sale of food, food items, and nonalcoholic beverages.

16

17 SECTION 2. (a) Any hotel or restaurant that is licensed to sell beer  
18 and wine for on-premise consumption under §3-5-201, et seq., and §3-9-301, et  
19 seq., may sell beer and wine for on-premise consumption on Sundays after  
20 obtaining a permit, approved and issued by the director in accordance with  
21 rules and regulations promulgated by the board for the sale of beer and wine  
22 for on-premise consumption on Sundays.

23 (b) No hotel or restaurant may obtain a permit to sell beer and wine  
24 for on-premises consumption on Sundays unless it:

25 (1) Has valid and current permits, which are not suspended,  
26 cancelled, or revoked, to sell beer and wine for on-premises consumption  
27 issued under §3-5-201, et seq. and §3-9-301, et seq.;

28 (2) Is located in a city of the first or second class or  
29 county where Sunday sales of beer and wine for on-premises consumption has  
30 been approved by the voters of the city or county, said election to be held  
31 in conformance with the methods used to call elections under §3-9-201, et  
32 seq.;

33 (3) Pays the required fee for a permit as required in this  
34 act.

35 (c) However, any hotel or restaurant having been in operation for

1 less than ninety (90) days and without prior business experience in which to  
2 determine the gross sales requirements for hotels and restaurants, as defined  
3 in §3-9-402, may be issued a temporary Sunday sales permit to sell beer and  
4 wine for on-premises consumption on Sundays for a period not to exceed ninety  
5 (90) days. The temporary ninety (90) day time period is to be used to allow  
6 the business establishment to make a determination of its gross sales. The  
7 fee for the temporary Sunday sales permit to allow the sale of beer and wine  
8 on a Sunday in such qualified restaurants or hotels shall be twenty-five  
9 dollars (\$25.00).

10

11 SECTION 3. (a) Any hotel or restaurant desiring to sell beer and wine  
12 only for on-premises consumption shall make application to the director for a  
13 permit upon forms prescribed and furnished by the director in accordance with  
14 the rules and regulations of the board.

15 (b) No applicant shall be authorized to make any such sales until a  
16 permit is approved and issued by the director.

17 (c) The board shall have authority to require an applicant, under  
18 oath, to disclose the following information:

19 (1) The name of the applicant;

20 (2) Location of the hotel or restaurant;

21 (3) Sufficient data to establish that the applicant meets the  
22 requirements of §3-9-402;

23 (4) The names and addresses of all owners or the hotel or  
24 restaurant;

25 (5) That the applicant is a citizen or resident alien of the  
26 United States and a resident of Arkansas on the date of application, and if a  
27 corporation, qualified to do business in this state;

28 (6) That neither the applicant nor any person to be employed  
29 in the serving of the beverages authorized herein shall be a person who has  
30 been convicted within five (5) years of the date of their employment of any  
31 violations of the laws against possession, sale, manufacture, or  
32 transportation of intoxicating liquor, or convicted of a felony;

33 (7) That the manager or operator of the hotel or restaurant  
34 seeking the permit is of good moral character and is not a convicted felon;

35 (8) Other such relevant information as may be required.

1 (d) Every permit issued under this act shall be for an indeterminate  
2 period, subject to compliance with the annual renewal requirements herein  
3 prescribed and shall not be transferable or assignable as to owner or  
4 premises, except upon the written approval of the director.

5

6 SECTION 4. (a) Each application for a Sunday sales permit shall be  
7 accompanied by a permit fee in the following applicable amount:

8 Hotel, having fewer than 100 rooms..... \$100.

9 Hotel, having 100 or more rooms..... \$200.

10 Restaurant, having a seating capacity of less

11 than 100 persons..... \$100.

12 Restaurant, having a seating capacity of 100

13 or more persons..... \$200.

14 (b) An annual renewal fee in the same amount is provided in  
15 subsection (a) of this section shall be paid to the director on or before  
16 June 30 of each calendar year for the fiscal year beginning July 1.

17 (c) The fee for a permit issued between January 1 and July 1 shall be  
18 one-half (1/2) of the applicable amount specified in subsection (a) of this  
19 section.

20

21 SECTION 5. The provisions of Subchapter 4 of Chapter 9, Title 3 of  
22 the Arkansas Code are applicable to this act to the extent that they are not  
23 in conflict herewith.

24

25 SECTION 6. A referendum election authorizing the Sunday sale of beer  
26 and wine in hotels and restaurants as defined herein for on-premises  
27 consumption in any city of the first class or second class or any county  
28 which already authorizes the sale of intoxicating beverages may be held under  
29 the general provisions of ACA § 3-9-201, et seq. On the ballot for the  
30 election shall be printed substantially the following:

31 [ ] FOR THE SALE OF BEER AND WINE FOR ON PREMISES CONSUMPTION ON A  
32 SUNDAY IN QUALIFIED HOTELS AND RESTAURANTS IN (NAME OF CITY OR COUNTY),  
33 ARKANSAS, AS AUTHORIZED BY LAW.

34 [ ] AGAINST THE SALE OF BEER AND WINE FOR ON PREMISES CONSUMPTION ON  
35 A SUNDAY IN QUALIFIED HOTELS AND RESTAURANTS IN (NAME OF CITY OR COUNTY),

1 ARKANSAS, AS AUTHORIZED BY LAW.

2 To the extent not in conflict herewith the referendum provisions of ACA  
3 § 3-9-201, et seq. shall apply to this law.

4

5 SECTION 7. The Sunday hours of operation for the Sunday Beer and Wine  
6 Permit shall be the same hours of operation established for Sunday Mixed  
7 Drink Permits as set by ACA § 3-9-215.

8

9 SECTION 8. All provisions of this act of a general and permanent  
10 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
11 Code Revision Commission shall incorporate the same in the Code.

12

13 SECTION 9. If any provision of this act or the application thereof to  
14 any person or circumstance is held invalid, such invalidity shall not affect  
15 other provisions or applications of the act which can be given effect without  
16 the invalid provision or application, and to this end the provisions of this  
17 act are declared to be severable.

18

19 SECTION 10. All laws and parts of laws in conflict with this act are  
20 hereby repealed.

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1  
2  
3  
4  
5  
6  
7  
8